

1 Evan S. Nadel (CA Bar No. 213230)
2 KILPATRICK TOWNSEND & STOCKTON LLP
3 ENadel@kilpatricktownsend.com
4 Two Embarcadero Center, Suite 1900
5 San Francisco, CA 94111
6 Telephone: (415) 576-0200
7 Facsimile: (415) 576-0300

8 Rita Weeks (CA Bar No. 232396)
9 Rweeks@kilpatricktownsend.com
10 Marc A. Lieberstein (admitted *pro hac vice*)
11 MLieberstein@kilpatricktownsend.com
12 KILPATRICK TOWNSEND & STOCKTON LLP
13 1114 Avenue of the Americas
14 New York, NY 10036
15 Telephone: (212) 775-8700
16 Facsimile: (212) 504-9566

17 *Attorneys for Defendant, Chippendales USA, LLC*

18
19 **UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 JESSE BANERJEE,
22
23 Plaintiff,
24
25 v.
26
27 CHIPPENDALES USA, LLC,
28 Defendants.

Case No. 2:23-cv-03676-PA (PDx)
Judge: Hon. Percy Anderson

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS OR FOR A MORE
DEFINITE STATEMENT**

Date: August 7, 2023
Time: 1:30 p.m.
Courtroom: 9A

1 **PLEASE TAKE NOTICE THAT** on August 7, 2023 at 1:30 p.m., or as
2 soon thereafter as it may be heard, in the United States Federal Courthouse located
3 at 350 West First Street, Los Angeles, California, 90012, before the Honorable
4 Percy Anderson, defendant Chippendales USA, LLC (“Chippendales”) shall and
5 hereby does move to dismiss Plaintiff’s operative pleading in this action or, in the
6 alternative, for a more definite statement.

7 Plaintiff’s Petition should be dismissed with prejudice because it fails to
8 state—or even identify—a cause of action against Chippendales. The Petition also
9 does not state its allegations of fraud or mistake with the required level of
10 specificity. Given that the events alleged in the Petition occurred over 20 years ago,
11 any attempt to state a claim would be barred by the applicable statutes of limitations.

12 This motion is made following the conference of counsel pursuant to L.R. 7-3
13 which took place on July 3, 2023. For over a month, counsel for Chippendales
14 attempted on multiple occasions to confer with plaintiff Jesse Banerjee to discuss
15 this Motion. Mr. Banerjee refused to meet and confer with defense counsel. On
16 June 30, 2023, an individual named Dayna Staggs, Sr. sent an email to
17 Chippendales’ counsel identifying himself as counsel for plaintiff, but conceding he
18 is not admitted to practice in this Court. On July 3, 2023, Chippendales conducted a
19 telephone conference with Mr. Staggs to meet and confer about Chippendales’
20 planned motion to dismiss. During that conference, Mr. Staggs stated that he
21 intended to make a filing by July 5, 2023, to “clean up” some of the deficiencies in
22 the petition. As of July 7, 2023, neither Mr. Banerjee nor Mr. Staggs has filed any
23 amendment to the petition.

24 Chippendales’ Motion is based on this Notice of Motion; the accompanying
25 Memorandum of Points and Authorities; the declaration of Evan S. Nadel in support
26 of the Motion; the pleadings and other documents on file in this matter; and any

27 ///
28

1 other matter that may be presented to the Court at or before the hearing on the
2 Motion.

3 DATED: July 7, 2023

Respectfully submitted,

4 KILPATRICK TOWNSEND & STOCKTON LLP

5
6 By: /s/Evan S. Nadel

7 EVAN S. NADEL

8 RITA WEEKS

MARC A. LIEBERSTEIN (admitted *pro hac*
9 *vice*)

10 Attorneys for Defendant
Chippendales USA, LLC